

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

TSCA SUBPOENA
(Subpoena Duces Tecum)

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REGIONAL HEARING CLERK
EPA REGION III, PHILADELPHIA, PA

TO: Joseph Chalhoub
President and Chief Executive Officer) TSCA SUBPOENA NO. 4
Heritage Crystal Clean, LLC)
2175 Point Boulevard, Ste. 375)
Elgin, IL 60123)

This is a subpoena issued under the authority of Section 11(c) of the Toxic Substances Control Act ("TSCA", "the Act"), 15 U.S.C. § 2610(c). You are hereby required to provide the information specified below to Region III of the United States Environmental Protection Agency ("EPA") within ten (10) calendar days from your receipt of this Subpoena.

In carrying out its obligations under TSCA, EPA is authorized under Section 11(c) of the Act to require by subpoena the attendance and testimony of witnesses, the production of reports, papers and documents, answers to questions, and other information as EPA deems necessary. Pursuant to the authority of Section 11(c) of TSCA, failure or refusal to comply with this Subpoena may result in initiation of court proceedings in a United States district court against the recipient of the Subpoena to compel compliance with the Subpoena, and any failure to obey such order of the court may be punished by such court as contempt thereof.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, EPA is authorized to seek civil penalties of up to \$37,500 per day of violation of any of the provisions of TSCA, or, in the case of knowing or willful violations, criminal fines of up to \$37,500 per day of violation and/or imprisonment up to one year. In addition, the Criminal Fines Enforcement Act of 1984, P.L. 98-596, provides for the imposition of fines in excess of the amount specified in these statutes under certain circumstances.

The issuance of this document does not preclude the issuance of further subpoenas relating to this matter to you or to any other person.

Your responses are required to be signed and must be attested to under oath. An Affidavit for your completion and signature accompanies this Subpoena.

Your response shall be sent to EPA representative Kelly Bunker, at the address provided below, unless it contains confidential business information. Pursuant to the regulations appearing at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted information. Unless such a confidentiality claim is asserted at the time the required information is submitted, EPA may make this information available to the public without further notice to you. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above-cited regulations. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. § 2.203(b).

If any portion of your response(s) to this action contains information that you claim as business confidential, you should submit that portion of the response in accordance with the following procedures. The material itself should be marked to indicate that it is claimed confidential. It should be placed in an envelope addressed to Kyle Chelius and marked "Confidential Business Information - To be Opened By Addressee Only." The envelope should then be placed in a second, "outer" envelope addressed to:

Kyle Chelius
Document Control Officer (3LC61)
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The package containing the confidential business information portion of your response should then be mailed, by registered mail, to Mr. Chelius, the EPA Document Control Officer.

DEFINITIONS

As used herein the terms listed below have the meanings indicated.

"Document" means the original or an identical and readable copy thereof, and all nonidentical copies (whether different from the original by reason of notations made on such copies or otherwise), regardless of origin location, of any writings or records of any type or description, however created, produced or reproduced, including but not limited to any final contracts, contingency contracts, riders, agreements, papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, jottings, agendas, bulletins, notices, announcements, advertisements, instructions, charts, manuals, blueprints, brochures, publications, schedules, price lists, client lists, journals,

statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing program libraries, data processing input and output, microfilm, books of accounts, records and invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts related to the foregoing, and all things similar to any of the foregoing, however denominated.

"DuPont Teijin Films (DTF)" means the company located at 3600 Discovery Drive, Chester, Virginia and having a mailing address of P.O. Box 411, Hopewell, VA.

"Heritage Crystal Clean (HCC)" means the company whose corporate office is located at 2175 Point Boulevard, Suite 375, Elgin, Illinois, 60123.

"PCBs" - means Polychlorinated Biphenyls.

INFORMATION REQUIRED TO BE SUBMITTED TO EPA

If you cannot fully answer or fully provide the information requested in any specific question below, answer as much of the question as you possibly can with the resources available to you, providing all information in your current possession and/or control. In responding to this subpoena, you should base your answers on information in your possession or reasonably available to you. Where information necessary for a complete response is neither in your possession nor reasonably available to you, indicate this fact in your response and, if possible, identify any source that either possesses or is likely to possess such information.

1. Provide a list of all customers for the time period of January 2009 to the present, for which the Richmond, VA and Fairless Hills, PA branch offices of HCC provided any type of service involving the handling, transport or disposal of PCB waste. For each customer, please provide their address and phone number and specify the type of environmental service that HCC provided and the date(s) on which the service was provided.
2. Provide copies of all manifests pertaining to the services provided in question 1 above. The copies of manifests should include the signature of the generator, transporter, the next designated transporter, if applicable, and the owner or operator of the designated commercial storage or disposal facility. If you are unable to provide copies of the manifest with signatures of the generator, transporter, and designated disposer, please explain why. Please provide explanations for any discrepancy in the manifests or changes in transporters.
3. Provide a copy of HCC's signed and dated notification of PCB waste activity (EPA Form 7710-53) filed with EPA, identifying the Richmond, VA and Fairless Hills, PA branch offices as transporters of PCB waste.

4. Provide copies of the following signed manifests for PCB waste generated by DTF and transported by HCC to the designated disposer. The signed copy should include the signature of the generator, transporter and designated disposer:

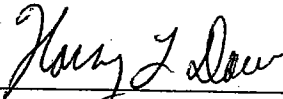
001220218GBF, signed by generator on 3/9/10
001245606GBF, signed by generator on 9/22/10
001490656GBF, signed by generator on 8/1/11
001789823GBF, signed by generator on 4/3/12
000707405GBF, signed by generator on 1/17/11
001489346GBF, signed by generator on 9/27/11
001521218GBF, signed by generator on 2/16/12
001517397GBF, signed by generator on 2/3/12

If you are unable to provide copies of the above listed manifests with signatures of the generator, transporter and designated disposer, please explain why. Please provide explanations for any discrepancy in the manifests or changes in transporters.

If you have any questions concerning this subpoena, please contact Mr. Jeffrey Nast, Senior Assistant Regional Counsel, at (215) 814-2652. If any portion of your answer to this Subpoena is not confidential business information, that portion should be submitted by first class mail, or any equally reliable means, to Ms. Kelly Bunker at the following address:

Kelly Bunker
Environmental Scientist (3LC61)
Land and Chemicals Division
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Issued in Philadelphia, PA this 8th day of February, 2013.



Harry Day, Associate Director
Office of Toxics and Pesticides
Land and Chemicals Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused to be hand-delivered to Ms. Lydia Guy, Regional Hearing Clerk (3RC00), U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, the original and one copy of the foregoing TSCA Subpoena No. 471 (Subpoena Duces Tecum). I further certify that on the date set forth below, I caused to be and correct copies of the same to be mailed as indicated below:

Joseph Chalhoub
President and Chief Executive Officer
Heritage Crystal Clean, LLC
2175 Point Boulevard, Ste. 375
Elgin, IL 60123

United Parcel Service (UPS)
Tracking No. 12A43F712494447133

Catherine A., McCord, Vice President
Heritage Crystal Clean, LLC
2175 Point Boulevard, Ste. 375
Elgin, IL 60123

United Parcel Service (UPS)
Tracking No. 12A43F712491097106

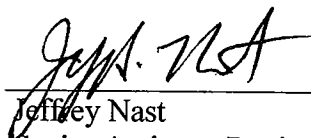
Timothy Ryan Wall, Branch Manager
Heritage Crystal Clean, LLC
5756 Charles City Circle
Richmond, VA 23231

United Parcel Service (UPS)
Tracking No. 12A43F712494943114

Len Venezia, Branch Manager
Heritage Crystal Clean, LLC
199 Canal Road
Fairless Hills, PA 19030

United Parcel Service (UPS)
Tracking No. 12A43F712492193125

Feb. 11th, 2013
Date


Jeffrey Nast
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Tel. (215) 814-2652

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